

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 26, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD MCINTOSH,

Defendant.

No. 2:13-CR-0082-LRS-1

ORDER DENYING MOTION FOR
COMPASSIONATE RELEASE
UNDER 18 U.S.C. § 3582(c)

BEFORE THE COURT is Defendant's pro se construed Motion for Compassionate Release under 18 U.S.C. § 3582(c). ECF No. 112. In September 2014, Defendant was sentenced to 120 months in custody and five years of supervised release after pleading guilty to possession with intent to distribute methamphetamine. ECF No. 71. Defendant's expected release date is October 24, 2021. *See* <https://www.bop.gov/inmateloc/>.

On November 6, 2020, Defendant submitted a letter to the Court "to hopefully grant Covid-19 release from prison" and "in complaint of" his court-appointed attorney. ECF No. 112 at 1. Defendant expressed dissatisfaction with

1 his attorney's handling of a previous motion for compassionate release. He asked
2 to be considered for release from prison under various statutes and due to his high-
3 risk medical condition, although Defendant's medical condition was not described
4 in the motion or supported by any documentation. ECF No. 112 at 2. Defendant
5 also requested consideration for release to a halfway house. ECF No. 112 at 2.

6 On November 25, 2020, Defendant's then-counsel filed a Status Report and
7 Response to Defendant's Pro Se Filing. ECF No. 113. In the status report, counsel
8 explained that the Bureau of Prisons had indicated it would release Defendant to
9 home confinement or a halfway house by the end of 2020, that the conflict between
10 himself and the Defendant had been resolved, and that counsel would renew the
11 request for compassionate release if Defendant was not in fact released to a less
12 restrictive environment.

13 On December 30, 2020, Defendant submitted another letter to the Court
14 requesting copies of the November 25 filing by his attorney and indicating that he
15 did not feel he was kept informed of the status of this matter by counsel. ECF No.
16 114. The mailing address provided by Defendant is the address of RRM Phoenix,
17 a residential reentry management center in Arizona, not FCI La Tuna in Texas
18 where he had previously been serving his sentence. ECF No. 114.
19

1 In January 2021, counsel for Defendant informed the Court by email that he
2 had only sporadic contact with Defendant and had not been able to confirm
3 Defendant had been released to a hallway house but that he was looking into it.

4 On March 16, 2021, Defendant submitted another letter to the Court
5 expressing his dissatisfaction with his attorney based on the November 25 filing.
6 ECF No. 115. On March 25, 2021, new counsel appeared for the Defendant. ECF
7 No. 116. New counsel has informed the Court that despite several attempts to
8 contact Defendant, no response has been received.


9 The Court notes that the Bureau of Prisons website indicates that Defendant
10 is currently located at RRM Phoenix. Cross-referencing shows the address for
11 RRM Phoenix matches the Defendant's return address on the envelopes containing
12 his December 2020 and March 2021 filings. ECF Nos. 114-1, 115-2. This leads
13 the Court to conclude that Defendant was released to the RRM by the end of
14 December 2020, consistent with the expectation of his attorney in November 2020.
15 Thus, it appears that the relief requested by Defendant was obtained through the
16 Bureau of Prisons. As a result, the motion for compassionate release is moot.

17 With regard to Defendant's complaints about his attorney, the Court makes
18 no finding except to again note that the outcome requested by Defendant was
19 obtained in what appears to be a timely manner.

1 For these reasons, after consideration of the record and files herein and the
2 relevant authorities, the construed Motion for Compassionate Release, **ECF No.**
3 **112**, is **DENIED** as moot.

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
5 Order and provide copies to Defendant and counsel.

6 DATED this 26 day of May, 2021.

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8 _____
LONNY R. SUKO
Senior United States District Judge